

### Remarks

Applicants respectfully request entry of the amendments and remarks submitted herein. Upon entry of these amendments the first paragraph of the specification will have been updated to incorporate the patent number of a newly issued U.S. patent (to which this application claims benefit of priority); claims 2-14, 16-18, 21-25, 27-28 and 31-34 will have been canceled (without prejudice or disclaimer); and new claims 35-161 will have been added. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Upon entry of the present amendments, claims 1, 15, 19-20, 26, 29, 30, and 35-161 will be pending. No new matter has been added.

Applicants note that new claims 35-161 are the same as those previously allowed in divisional Application No. 09/583,169 (to which the present application claims priority) except these claims are now drawn to hESF-II instead of hESF-III (as previously allowed in Application No. 09/583,169).

Claims 35-161 have been added to expand the embodiments of the provisionally elected group. These new claims are completely supported by the specification as originally filed. Support for claim 35 (a)-(c) and 36-39, for example, may be found in the specification at page 7, fourth full paragraph; page 44, penultimate paragraph; and, page 45, first paragraph. Support for claims 35 (d)-(e) and 40-41, for example, may be found in the specification at page 7, fourth full paragraph; page 44, penultimate paragraph; page 45, first paragraph; and, page 26, third paragraph, lines 22-24. Support for claims 41, 73, 105, and 137 may be found, for example, at page 14, fourth line from last. Support for claims 42-45, 50-52, 60-63, 72, 74-77, 82-84, 92-95, 106-109, 114-116, 124-127, 136, 139-141, 146-148, and 156-159 may be found, for example, at page 44, last full paragraph. Support for claims 46, 53, 56-58, 64, 78, 85, 88-90, 96, 110, 117, 120-122, 128, 142, 149, 152-154, and 160 may be found, for example, at page 45, first full paragraph. Support for claims 47, 54, 65, 79, 86, 97, 111, 118, 129, 143, 150, and 161 may be found, for example, at page 45, second full paragraph. Support for claims 48, 55, 80, 87, 98, 112, 119, 144, and 151 may be found, for example, at page 44, last full paragraph. Support for claims 49, 81, 113, and 145 may be found, for example, at page 49, third full paragraph. Support for

claims 59, 91, 123, and 155 may be found, for example, at page 43, third paragraph. Support for claims 66 (a)-(c), and 67-69 may be found, for example, at page 44, penultimate paragraph through page 45, first paragraph. Support for claims 66 (d)-(e) and 70-71 may be found, for example, at page 44, penultimate paragraph through page 45, first paragraph; and, at page 26, third paragraph, lines 22-24. Support for claims 99 (a)-(c) and 100-102 may be found, for example, at page 18, first paragraph; page 7, fourth full paragraph; page 44, penultimate paragraph; and, page 45, first paragraph. Support for claims 99 (d)-(e), 103-104 may be found, for example, at page 18, first paragraph; and, page 26, third paragraph, lines 22-24. Support for claims 130 (a)-(c) and 131-133 may be found, for example, at page 18, first paragraph; and, at page 44, penultimate paragraph through page 45, first paragraph. Support for claims 130 (d)-(e) and 134-135 may be found, for example, at page 18, first paragraph; and, at page 26, third paragraph, lines 22-24.

#### **Provisional Election with Traverse**

The Examiner has issued an election requirement separating the pending claims into 7 different groups. *See*, Paper No. 5, pages 2-4. To comply with the pending election requirement, Applicants herein provisionally elect, *with traverse*, Group IV (antibodies) as recited in claim 20 and new claims 35-161. Applicants respectfully traverse the present election requirement.

Restriction remains improper unless it can be shown that the search and examination of all groups would entail a "serious burden." *See* M.P.E.P. § 803. In this regard, Applicants submit that a search of the polynucleotide claims would provide useful information for the claims in other related groups. For example, a search for hESF polynucleotides would inherently provide relevant information about hESF polypeptides and antibodies. Furthermore, the information about hESF polynucleotides, polypeptides, and antibodies would also reveal relevant information pertaining to the subject matter encompassed by Groups III and V-VII. Therefore, since a search of Group I claims would overlap with a search of Groups II-VII, Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

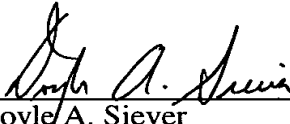
***Conclusion***

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: 6/23/2003

  
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